

DATE: February 6, 2014

TO: Mayor and City Council

FROM: Thomas J. Bonfield, City Manager

SUBJECT: Roadside Solicitation

### **Executive Summary**

At the Work Session of November 7, 2013 the City Council considered a recommendation from the Homeless Services Advisory Committee to modify Ordinance 14375, adopted in December 2012, related to all roadside solicitation in the City limits. After discussion of the proposal the City Manager was directed to consider the input received and make recommendations as to possible modifications to roadside solicitation regulations. The proposed ordinance(s) clarify the locations where roadside solicitation is permitted, interactions permitted with passengers and drivers of vehicles being solicited, and provides for additional clarification prohibiting unwanted contact with drivers and vehicles. The proposed ordinance was forwarded to homeless services representatives for comment and received a generally favorable response.

### **Recommendation**

That City Council adopt Ordinances to Modify Restrictions on Sales and Solicitations in the Street Right-of-Way; and to Restrict Unwanted Contact with and Intrusion into Occupied Vehicles on Roadways.

### **Background**

In December 2012, the City Council adopted Ordinance 14375 amending the laws associated with all roadside solicitation in the City limits. The Durham Police Department began enforcement of the Ordinance around February 2013. Following the enactment and enforcement of the Ordinance, several organizations that serve the City's homeless population expressed concerns to the City Council and the Homeless Services Advisory Committee (HSAC) that the restrictions of the roadside solicitation ordinance unfairly and negatively impacted some of the homeless populations in Durham. The HSAC established a subcommittee to study this matter and in August 2013 adopted a recommendation to modify the City's roadside solicitation regulations to increase the locations where roadside solicitation would be allowed, along with a series of other recommendations related to solicitation and homeless populations. The ordinance proposed would have significantly modified the intent of the ordinance adopted earlier by City Council.

At the Work Session of November 7, 2013 the City Council considered the recommendation from the HSAC to modify Ordinance 14375. After discussion of the proposal the City Manager was directed to consider the input received from City Council and make recommendations as to possible modifications to roadside solicitation regulations.

The proposed ordinance(s) clarify the locations where roadside solicitation is permitted, interactions permitted with passengers and drivers of vehicles being solicited, and provides for additional clarification prohibiting unwanted contact with drivers and vehicles as follows:

1. Removes restrictions limiting solicitation to one-way streets.
2. Allows for invited solicitor interaction on two-way streets with either the driver or passengers, from the passenger side windows, when the vehicle is stopped in the lane closest to the side of the roadway.
3. Allows for service animals to accompany authorized road side solicitors.
4. Clarifies requirements regarding removing of all goods in connection with persons conducting authorized road side solicitation.

The proposed ordinances were presented to homeless services representatives for review and received a generally favorable response.

**Alternatives**

The City Council could elect to retain the current roadside solicitation regulations.

**Financial Impact**

No direct impact.

**SBDE Summary**

Not Applicable

**Attachments**

1. Annotated revisions to City Code regarding roadside solicitation
2. Clean version of recommended changes to City Code regarding roadside solicitation
3. Ordinance to restrict unwanted contact with and intrusion into occupied vehicles on roadways.